

Judge Weinstein

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK----- x  
UNITED STATES OF AMERICA

:     - v. -

HECTOR MANUEL ROSARIO BATISTA,  
a/k/a "Charles,"

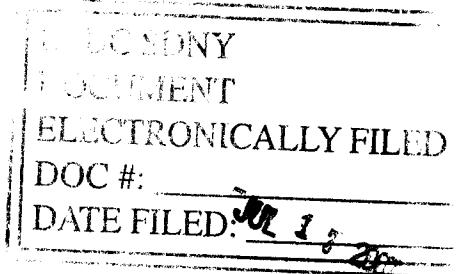
:     Defendant.

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07CRIM 714

## INFORMATION

07 Cr.

COUNT ONE

The United States Attorney charges:

1. From in or about February 2007 through in or about April 2007, in the Southern District of New York and elsewhere, HECTOR MANUEL ROSARIO BATISTA, a/k/a "Charles," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that HECTOR MANUEL ROSARIO BATISTA, a/k/a "Charles," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

3. It was a further part and an object of the conspiracy that HECTOR MANUEL ROSARIO BATISTA, a/k/a "Charles," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

4. It was a further part and an object of the conspiracy that HECTOR MANUEL ROSARIO BATISTA, a/k/a "Charles," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).

Forfeiture Allegations

5. As a result of committing the controlled substance offense alleged in Count One of this Information, HECTOR MANUEL ROSARIO BATISTA, a/k/a "Charles," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation

and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of said violation.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of HECTOR MANUEL ROSARIO BATISTA, a/k/a "Charles," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of HECTOR MANUEL ROSARIO BATISTA, the defendant, up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
MICHAEL J. GARCIA  
United States Attorney